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EXAMINER	
DODDS, HAROLD E	

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/718,376	FICKLE ET AL.	
	Examiner	Art Unit	
	Harold E. Dodds, Jr.	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/14/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 27 April 2006. These drawings are accepted.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claims 1, 33, 35, 38, 42, 43, 47, and 51 the term "service/system" is assumed to mean either "service and system" or "service or system". As such this reference would be indefinite. For claim 7 the term "movie/feature" is assumed to mean either "movie and feature" or "movie or feature". As such this reference would be indefinite. Likewise, claim 1 is indefinite since the term "VOD" is not defined in the amended claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 2, 4, 5, and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick et al. (U.S. Patent Application Publication No. US 2002/0144262), Lafer et al. (U.S. Patent No. 5,748,956), and Roop et al. (U.S. Patent No. 6,216,265).

6. Plotnick renders obvious independent claim 1 by the following:

"...receiving metadata..." at p. 10-11, par. 0155.

"...provided by at least one of a content provider..." at p. 6, par. 0115.

"...and associated metadata to a VOD server..." at p. 10-11, par. 0155 and p. 6, par. 0115.

"...wherein coordinating uploading comprises..." at p. 10, par. 0150.

"...and associated metadata to a server..." at p. 10-11, par. 0155 and p. 11, par. 0164.

"...and associated metadata to the server..." at p. 10-11, par. 0155 and p. 11, par. 0164.

"...and providing usage reports relating to usage..." at p. 12, par. 0169.

"...by end users..." at p. 10, par. 0150.

Plotnick does not teach the use of multimedia asset data files and the use of multiple service operators.

7. However, Lafer teaches the use of multimedia asset data files as follows:

"...associated with a multimedia asset data file..." at col. 2, lines 7-11.

"...coordinating uploading the multimedia asset data file..." at col. 5, lines 41-43, col. 9, lines 65-67, and col. 2, lines 7-11.

"...scheduling the uploading of the multimedia asset data file..." at col. 7, lines 53-56, col. 9, lines 65-67, and col. 2, lines 7-11.

"...and tracking the uploading of the multimedia asset data file..." at col. 6, lines 42-43, col. 9, lines 65-67, and col. 2, lines 7-11.

"...of multimedia asset data files..." at col. 2, lines 7-11.

It would have been obvious to one of ordinary skill at the time of the invention to combine Lafer with Plotnick to use multimedia asset data files in order to provide a means for managing and producing multimedia assets which provides automated cataloging of multimedia assets through implicit file identification, duplicate file checking and file associations. Plotnick and Lafer have related applications. They teach the use of computers, the use of databases, the use of networks, the use of servers, the use of clients, the use of multimedia, the use of audio, the use of video, the use of content, and the use of reports. Plotnick provides metadata, content providers, video-on-demand servers, and usage reports and Lafer provides multimedia asset data files. For independent claim 1 the term "sequencing and planning usage" is used to suggest the term "scheduling".

Lafer does not teach the use of multiple service operators.

8. However, Roop teaches the use of multiple service operators as follows: "...and a multiple service/systems operator ("MSO")..." at col. 67, lines 62-63. "...maintained by the MSO..." at col. 44, lines 55-57 and col. 67, lines 62-63. "...maintained by the MSO...," at col. 44, lines 55-57 and col. 67, lines 62-63. "...of the MSO..." at col. 67, lines 62-63.

It would have been obvious to one of ordinary skill at the time of the invention to combine Roop with Plotnick and Lafer to use multiple systems operators in order to identify cable companies, which will receive the multimedia data and control its distribution. Plotnick, Lafer, and Roop have related applications. They teach the use of computers, the use of databases, the use of networks, the use of audio, the use of video, and the use of content and Plotnick and Roop teach the use of satellites. Plotnick provides metadata, content providers, video-on-demand servers, and usage reports, Lafer provides multimedia asset data files, and Roop provides multiple systems operators.

9. As per independent claim 20, the "...receiving a plurality of multimedia asset data files...," is taught by Lafer at col. 3, lines 11-13 and col. 2, lines 7-11, the "...from a plurality of content providers...," is taught by Plotnick at p. 6, par. 0115, the "...receiving metadata...," is taught by Plotnick at p. 10-11, par. 0155, the "...associated with the plurality of multimedia asset data files...," is taught by Lafer at col. 2, lines 7-11,

the "...at least one of the plurality of content providers...," is taught by Plotnick at p. 6, par. 0115,

the "...and a plurality of MSOs...," is taught by Roop at col. 67, lines 62-63,

the "...coordinating uploading the multimedia asset data files...," is taught by Lafer at col. 5, lines 41-43, col. 9, lines 65-67, and col. 2, lines 7-11,

the "...to video-on-demand ("VOD") servers...," is taught by Plotnick p. 6, par. 0115,

the "...maintained by the MSOs...," is taught by Roop at col. 44, lines 55-57 and col. 67, lines 62-63,

the "...using an asset locator...," is taught by Plotnick at p. 15, par. 0195,

the "...assigned to each multimedia asset data file...," is taught by Lafer at col. 9, lines 8-10 and col. 2, lines 7-11,

the "...and tracking the uploading of the multimedia asset data files...," is taught by Lafer at col. 6, lines 42-43, col. 9, lines 65-67, and col. 2, lines 7-11.

10. As per claim 2, the "...metadata provided by at least one of a plurality of content providers...," is taught by Plotnick at p. 10-11, par. 0155 and p. 6, par. 0115 and the "...and a plurality of MSOs...," is taught by Roop at col. 220, lines 34-36.

11. As per claim 4, the "...coordinating uploading comprises coordinating uploading using a delivery group...," is taught by Lafer at col. 5, lines 41-43, col. 9, lines 65-67, col. 3, lines 35-39, col. 8, lines 66-67, and col. 9, lines 1-2

and the "...the delivery group comprising a plurality of multimedia asset data files...," is taught by Lafer at col. 3, lines 35-39, col. 8, lines 66-67, col. 9, lines 1-2, and col. 2, lines 7-11.

12. As per claim 5, the "...registering the multimedia asset data file in order to identify the file...," is taught by Lafer at col. 9, lines 30-34, col. 2, lines 7-11, and col. 8, lines 61-62,

the "...wherein registering the multimedia asset data file comprises...," is taught by Lafer at col. 9, lines 30-34 and col. 2, lines 7-11,

the "...assigning a provider identifier to a content provider...," is taught by Plotnick at p. 18, par. 0220 and p. 6, par. 0115,

the "...and assigning a unique identifier to a multimedia asset data file...," is taught by Lafer at col. 9, lines 14-15 and col. 2, lines 7-11,

the "...provided by the content provider...," is taught by Plotnick at p. 6, par. 0115,

the "...based upon the provider identifier...," is taught by Plotnick at p. 6, par. 0115 and p. 18, par. 0220,

the "...and a provider asset identification...," is taught by Lafer at col. 5, lines 48-50 and col. 9, lines 8-10,

the "...the provider asset identification...," is taught by Lafer at col. 5, lines 48-50 and col. 9, lines 8-10,

the "...being included with the multimedia asset data file...," is taught by Lafer at col. 7, lines 32-33 and col. 2, lines 7-11,

and the "...by the content provider...," is taught by Lafer at col. 5, lines 48-50.

13. As per claim 15, the "...receiving from the VOD server...," is taught by Plotnick at p. 6, par. 0115,

the "...data on feature elements...," is taught by Lafer at col. 8, lines 39-42, col. 5, lines 38-40, and col. 1, lines 31-39,

the "...requested by end users...," is taught by Plotnick at p. 7, par. 0123,

the "...of the MSO...," is taught by Roop at col. 67, lines 62-63,

the "...creating a master reporting database...," is taught by Plotnick at p. 11, par. 0157, p. 12, par. 0169, and p. 11, par. 0158,

the "...using the data on feature elements...," is taught by Lafer at col. 8, lines 39-42, col. 5, lines 38-40, and col. 1, lines 31-39,

the "...requested by end users...," is taught by Plotnick at p. 7, par. 0123,

the "...and generating a usage report...," is taught by Lafer at col. 7, lines 37-39 and col. 8, lines 30-31,

and the "...using the data contained in the master reporting database...," is taught by Plotnick at p. 11, par. 0157, p. 12, par. 0169, and p. 11, par. 0158.

14. As per claim 16, the "...restricting access by a content provider...," is taught by Plotnick at p. 8, par. 0132, p. 10, par. 0153, and p. 6, par. 0115,

the "...to the data contained in the master reporting database...," is taught by Plotnick at p. 11, par. 0157, p. 12, par. 0169, and p. 11, par. 0158,

the "...using business rules...," is taught by Plotnick at p. 14, par. 0182,

and the "...provided by the MSO....," is taught by Roop at col. 33, lines 32-33 and col. 67, lines 62-63.

For claim 16, the term "limit" is used to suggest the term "restrict".

15. As per claim 17, the "...analyzing the usage report...," is taught by Lafer at col. 6, lines 43-47, col. 8, lines 30-31, and col. 7, lines 37-39,

the "...to determine end user viewing characteristics...," is taught by Plotnick at p. 14, par. 0185 and p. 11, par. 0161,

the "...and generating an advertising play list...," is taught by Plotnick at p. 15, par. 0194,

the "...targeted to an end user...," is taught by Plotnick at p. 17, par. 0207,

the "...based upon the viewing characteristics of the end user...," is taught by Plotnick at p. 14, par. 0185 and p. 11, par. 0161,

the "...wherein the advertising play list comprises advertising...," is taught by Plotnick at p. 15, par. 0194,

and the "...selected based upon the viewing characteristics of the end user...," is taught by Plotnick at p. 14, par. 0185 and p. 11, par. 0161.

16. As per claim 18, the "...supplementing a multimedia asset data file...," is taught by Lafer at col. 4, lines 12-13 and col. 2, lines 7-11,

the "...with data contained in the usage report...," is taught by Lafer at col. 8, lines 30-31 and col. 7, lines 37-39,

the "...wherein the usage report comprises usage data...," is taught by Lafer at col. 8, lines 30-31 and col. 7, lines 37-39,

and the "...for the multimedia asset data file...," is taught by Lafer at col. 2, lines 7-11.

17. As per claim 19, the "...analyzing the usage report...," is taught by Lafer at col. 6, lines 43-47, col. 8, lines 30-31, and col. 7, lines 37-39,

the "...to determine end user viewing characteristics...," is taught by Plotnick at p. 14, par. 0185 and p. 11, par. 0161,

the "...selecting multimedia asset data files...," is taught by Lafer at col. 5, lines 30-33 and col. 2, lines 7-11,

the "...based upon end user viewing characteristics...," is taught by Plotnick at p. 14, par. 0185 and p. 11, par. 0161,

the "...and performing a campaign management function...," is taught by Plotnick at p. 10, par. 0153,

the "...chosen from the group consisting of bundling selected multimedia asset data files...," is taught by Lafer at col. 6, lines 39-41 and col. 2, lines 7-11,

the "...setting pricing...," is taught by Plotnick at p. 10, par. 0153,

the "...for selected multimedia asset data files...," is taught by Lafer at col. 5, lines 30-33 and col. 2, lines 7-11,

the "...and setting promotions...," is taught by Plotnick at p. 10, par. 0148,

and the "...for selected multimedia asset data files...," is taught by Lafer at col. 5, lines 30-33 and col. 2, lines 7-11.

For claim 19, the terms "determine", "grouping", and "advertise" are use to suggest the terms "select", "bundling", and "promotion".

18. As per claim 21, the "...validating the multimedia asset data files...," is taught by Lafer at col. 6, lines 43-47 and col. 2, lines 7-11,

the "...by determining if the received multimedia asset data files...," is taught by Plotnick at p. 10-11, par. 0155,

the "...and multimedia asset data files...," is taught by Lafer at col. 2, lines 7-11,

the "...comply with business rules...," is taught by Plotnick at p. 14, par. 0182,

and the "...provided by the MSOs...," is taught by Roop at col. 33, lines 32-33 and col. 67, lines 62-63.

19. As per claim 22, the "...coordinating uploading the associated metadata...," is taught by Plotnick at p. 10, par. 0150,

the "...for the multimedia asset data files...," is taught by Lafer at col. 2, lines 7-11,

the "...to the VOD servers...," is taught by Plotnick at p. 6, par. 0115,

the "...distributing a localized master schedule...," is taught by Plotnick at p. 9, par. 0142 and p. 11, par. 0164,

the "...to each MSO...," is taught by Roop at col. 67, lines 62-63,

the "...and providing a schedule update...," is taught by Plotnick at p. 11, par. 0164,

the "...from the VOD management system...," is taught by Plotnick at p. 6, par. 0115 and p. 11, par. 0164,

the "...to each MSO...," is taught by Roop at col. 67, lines 62-63,

and the "...at regular intervals...," is taught by Roop at col. 48, lines 63-66.

20. As per claim 23, the "...tracking uploading the multimedia asset data files...," is taught by Lafer at col. 6, lines 42-43, col. 9, lines 65-67, and col. 2, lines 7-11,

the "...and the associated metadata...," is taught by Plotnick at p. 11-12, par. 0155,

the "...to the VOD servers...," is taught by Plotnick at p. 6, par. 0115,

the "...by reference to each MSO's...," is taught by Roop at col. 25, lines 7-8,

and the "...localized master schedule...," is taught by Plotnick at p. 9, par. 0142 and p. 11, par. 0164.

21. As per claim 24, the "...each schedule update...," is taught by Plotnick at p. 11, par. 0164,

the "...comprises instructions for inserting and deleting...," is taught by Plotnick at p. 12, par. 0170 and p. 11, par. 0161,

the "...multimedia asset data files...," is taught by Lafer at col. 2, lines 7-11,

the "...from each MSO's...," is taught by Roop at col. 25, lines 7-8,

and the "...localized master schedule...," is taught by Plotnick at p. 9, par. 0142 and p. 11, par. 0164.

22. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of van Zee et al. (U.S. Patent No. 7,058,685).

As per claim 3, the "...tracking receipt of the multimedia asset data file in elements...," is taught by Lafer at col. 6, lines 42-43, col. 3, lines 11-13, col. 2, lines 7-11, and col. 1, lines 31-39,

the "...the elements comprising at least one of a feature file...," is taught by Lafer at col. 1, lines 31-39 and col. 5, lines 34-38,

the "...preview file, a graphic file...," is taught by Plotnick at p. 19, par. 0232 and p. 8, par. 0129,

the "...and associated basic metadata...," is taught by Plotnick at p. 10-11, par. 0155 and p. 10, par. 0150,

the "...wherein the associated basic metadata comprises information on the elements...," is taught by Plotnick at p. 10-11, par. 0155, p. 10, par. 0150,

the "...receiving an identification of the MSOs...," is taught by Roop at col. 48, lines 57-59 and col. 61, lines 62-63,

the "...scheduled to receive the multimedia asset data file...," is taught by Lafer at col. 7, lines 53-56, col. 3, lines 11-13, and col. 2, lines 7-11,

the "...from the content provider...," is taught by Plotnick at p. 6, par. 0115,

the "...and receiving delivery dates for delivery...," is taught by Roop at col. 30, lines 1-3, col. 61, lines 23-25, and col. 10, lines 16-19,

the "...of the multimedia asset data file...," is taught by Lafer at col. 2, lines 7-11,

the "...to each of the MSOs...," is taught by Roop at col. 61, lines 62-63,

but the "...used to confirm delivery of the elements...," is not taught by either Plotnick, Lafer, or Roop.

However, van Zee teaches the confirming of delivery of elements as follows:

"...The checksum values are validated, and the appliance receiving the e-media then sends back a unique token, such as an encrypted key, to the digital content delivery service confirming that the delivery was complete..." at col. 9, lines 7-10.

"...The tracing information may be "packaged" with the e-media and sent to the digital content delivery service. The delivery service gathers the pertinent components to fulfill the sender's request..." at col. 5, lines 32-35.

It would have been obvious to one of ordinary skill at the time of the invention to combine van Zee with Plotnick, Lafer, and Roop to confirm delivery of the elements in order to provide feedback to the transmitting station that all of multimedia data has been

successfully transmitted. Plotnick, Lafer, Roop, and van Zee have related applications. They teach the use of computers, the use of databases, the use of networks, the use of audio, and the use of content. Plotnick provides metadata, content providers, video-on-demand servers, and usage reports, Lafer provides multimedia asset data files, Roop provides multiple systems operators, and van Zee provides confirmation of the delivery of the elements.

23. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of Hoffberg (U.S. Patent No. 6,850,252).

As per claim 6, the "...staging multimedia asset data file...," is taught by Lafer at col. 5, lines 29-34 and col. 2, lines 7-11,

the "...by entering a name for the multimedia asset data file...," is taught by Lafer at col. 3, lines 16-18, col. 8, lines 61-62, and col. 2, lines 7-11,

the "...into a staging directory...," is taught by Lafer at col. 5, lines 29-34, and col. 9, lines 30-34,

the "...for the multimedia asset data file...," is taught by Lafer col. 2, lines 7-11,

the "...comprising distribution information, scheduling information, content information and an identification...," is taught by Plotnick at p. 10, par. 0148, p. 11, par. 0164, p. 6, par. 115, and p. 15, par. 0195,

the "...for the multimedia asset data file...," is taught by Lafer at col. 2, lines 7-11,

the "...wherein the content information comprises data to enable retrieval of a plurality of elements...," is taught by Lafer at col. 7, lines 53-56, col. 6, lines 29-31, and col. 1, lines 312-39,

and the "...to assemble the multimedia asset data file...," is taught by Lafer at col. 4, lines 48-50 and col. 2, lines 7-11,

but the "...and providing a master markup language file...,"

and the "...master markup language file...," are not taught by either Plotnick, Lafer, or Roop.

However, Hoffberg teaches the use of markup languages as follows:

"...The data from a web server or embedded web server may include a binary file, a generic HTML/XML file, or other data type..." at col. 111, lines 51-53.

It would have been obvious to one of ordinary skill at the time of the invention to combine Hoffberg with Plotnick, Lafer, and Roop to use markup language files in order to use a standard means of providing data from web servers. Plotnick, Lafer, Roop, and Hoffberg have related applications. They teach the use of computers, the use of databases, the use of networks, the use of audio, the use of video, and the use of content and Plotnick, Roop, and Hoffberg teach the use of satellites. Plotnick provides metadata, content providers, video-on-demand servers, and usage reports, Lafer provides multimedia asset data files, Roop provides multiple systems operators, and Hoffberg provides markup language files. For claim 6, the term "catalog" is used to suggest the term "directory".

24. As per claim 7, the "...elements used to assemble the multimedia asset data file...," is taught by Lafer at col. 1, lines 31-39, col. 4, lines 48-50, and col. 2, lines 7-11,

the "...comprise at least one of a movie/feature file...," is taught by Lafer at col. 5, lines 34-38,

and the "...preview file, and a graphic file...," is taught by Plotnick at p. 19, par. 0232 and p. 8, par. 0129.

25. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of Hoffberg and N2Broadband ("Creating Scalable Solutions for VOD ...and Beyond").

As per claim 8, the "...multimedia asset data file comprises a plurality of elements...," is taught by Lafer at col. 2, lines 7-11 and col. 1, lines 31-39,

the "...and tracking uploading comprises...," is taught by Plotnick at p. 12, par. 0170 and p. 10, par. 0150,

the "...tracking transmission of the elements of the multimedia asset data file...," is taught by Lafer at col. 6, lines 42-43, col. 3, lines 11-15, col. 1, lines 31-39, and col. 2, lines 7-11,

the "...to the MSO...," is taught by Roop at col. 67, lines 62-63,

the "...tracking receipt of the elements of the multimedia asset data file...," is taught by Lafer at col. 6, lines 42-43, col. 3, lines 11-15, col. 1, lines 31-39, and col. 2, lines 7-11,

the "...if any one of the elements of the multimedia asset data file...," is taught by Lafer at col. 1, lines 31-39 and col. 2, lines 7-11,

and the "...is not successfully received...," is taught by Roop at col. 12, lines 33-34 and col. 31, lines 12-14,

but the "...and receiving an alarm signal...,"

the "...using a pitcher appliance...,"

the "...using a catcher appliance...,"

and the "...by the catcher appliance...," are not taught by either Plotnick, Lafer, or Roop.

For claim 8, the term "fail" is used to suggest the term "not successful".

However, Hoffberg teaches the use of alarm signals as follows:

"...An alarm system would be generally deactivated, although various zones may be provided with different protection; e.g., a master suite may be off-limits, with an alarm transmitting a signal to a user's beeper, rather than a call to police or alarm service company..." at col. 191, lines 11-16.

It would have been obvious to one of ordinary skill at the time of the invention to combine Hoffberg with Plotnick, Lafer, and Roop to provide alarm signals in order to alert the user of initiation of an event, such as starting a dishwasher. Plotnick, Lafer, Roop, and Hoffberg have related applications. They teach the use of computers, the use of databases, the use of networks, the use of audio, the use of video, and the use of content and Plotnick, Roop, and Hoffberg teach the use of satellites. Plotnick provides metadata, content providers, video-on-demand servers, and usage reports, Lafer provides multimedia asset data files, Roop provides multiple systems operators, and Hoffberg provides alarm signals.

Hoffberg does not provide pitcher and catcher appliances.

However, N2Broadband provides pitcher and catcher appliances as follows:

"...The MediaPath™ Catcher receives content packages from the MediaPath™ Pitcher then notifies and delivers the packages directly to an authorized video server, removing the need for manual functions..." at Products and Services, MediPath™ Catcher.

It would have been obvious to one of ordinary skill at the time of the invention to combine N2Broadband with Plotnick, Lafer, Roop, and Hoffberg to provide pitcher and catcher appliances in order to transmit content packages and deliver these packages to authorized video servers. Plotnick, Lafer, Roop, Hoffberg, and N2Broadband have related applications. They teach the use of networks, the use of video, and the use of content and Plotnick, Roop, Hoffberg, and N2Broadband teach the use of satellites. Plotnick provides metadata, content providers, video-on-demand servers, and usage reports, Lafer provides multimedia asset data files, Roop provides multiple systems operators, Hoffberg provides alarm signals, and N2Broadband provides pitcher and catcher appliances.

26. Claims 9-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of N2Broadband.

As per claim 9, the "...multimedia asset data file...," is taught by Lafer at col. 2, lines 7-11,

the "...is identified with an asset locator...," is taught by Plotnick at p. 15, par. 0195,

the "...and the tracking uploading comprises...," is taught by Plotnick at p. 12, par. 0170 and p. 10, par. 0150,

the "...providing the asset locator to the VOD server...," is taught by Plotnick at p. 15, par. 0195 and p. 6, par. 0115,

the "...providing a schedule to the VOD server...," is taught by Plotnick at p. 12, par. 0170 and col. 220, lines 52-54,

the "...comprising instructions for the VOD server to request...," is taught by Plotnick at p. 12, par. 0170, col. 220, lines 52-54, and p. 6-7, par. 0116,

the "...the multimedia asset data file...," is taught by Lafer at col. 2, lines 7-11,

the "...and metadata from the VOD management system...," is taught by Plotnick at p. 10-11, p. 0116, p. 6, par. 0115, and p. 11, par. 0164,

the "...and tracking retrieval of the multimedia asset data file...," is taught by Lafer at col. 6, lines 42-43, col. 6, lines 29-31, and col. 2, lines 7-11,

the "...and associated metadata...," is taught by Plotnick at p. 10-11, par. 0155,

the "...by initiating file transfers using the asset locator....," is taught by Plotnick at p. 19, par. 0229, p. 11, par. 0164, and p. 15, par. 0195,

but the "...from a catcher...," is not taught by either Plotnick, Lafer, or Roop.

However, N2Broadband provides catcher appliances as follows:

"...The MediaPath™ Catcher receives content packages from the MediaPath™ Pitcher then notifies and delivers the packages directly to an authorized video server, removing the need for manual functions..." at Products and Services, MediPath™ Catcher.

It would have been obvious to one of ordinary skill at the time of the invention to combine N2Broadband with Plotnick, Lafer, and Roop to provide catcher appliances in order to transmit content packages from pitchers and deliver these packages to authorized video servers. Plotnick, Lafer, Roop, and N2Broadband have related applications. They teach the use of networks, the use of video, and the use of content and Plotnick, Roop, and N2Broadband teach the use of satellites. Plotnick provides

metadata, content providers, video-on-demand servers, and usage reports, Lafer provides multimedia asset data files, Roop provides multiple systems operators, and N2Broadband provides catcher appliances.

27. As per claim 10, the "...file transfer is a file transfer protocol ("FTP") transfer...," is taught by Roop at col. 9, lines 58-62.

28. As per claim 11, the "...tracking uploading further comprises ...," is taught by Plotnick at p. 12, par. 0170 and p. 10, par. 0150,

the "...providing an asset locator...," is taught by Plotnick at p. 15, par. 0195,

the "...identifying an element of the multimedia asset data file...," is taught by Laufer

the "...to the VOD server...," is taught by Plotnick at p. 6, par. 0115,

the "...VOD server submitting the asset locator...," is taught by Plotnick at p. 6, par. 0115, p. 19, par. 0232, and p. 15, par. 0195,

the "...to a catcher appliance...," is taught by N2Broadband at Products and Services, MediPath™ Catcher,

the "...tracking transmission of the element...," is taught by Lafer at col. 6, lines 42-43, col. 3, lines 11-15, and col. 1, lines 31-39,

the "...from the catcher appliance...," is taught by N2Broadband at Products and Services, MediPath™ Catcher,

the "...to the VOD server...," is taught by Plotnick at p. 6, par. 0115,

the "...using the asset locator...," is taught by Plotnick at p. 15, par. 0195,

the "...to retrieve the element...," is taught by Lafer at col. 6, lines 29-31 and col. 1, lines 31-39.

29. As per claim 14, the "...asset locator is an asset Uniform Resource Locator (URL)...," is taught by Plotnick at p. 15, par. 0195 and p. 13, par. 0179.

30. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick, Lafer, Roop and N2Broadband as applied to claim 11 above, and further in view of Hoffberg.

As for claim 12, the "...from the VOD server...," is taught by Plotnick at p. 6, par. 0115,

the "...if the feature element...," is taught by Lafer at col. 5, lines 38-40 and col. 1, lines 31-39,

the "...was not properly received...," is taught by Roop at col. 12, lines 33-34 and col. 31, lines 12-14,

but the "...receiving an alarm signal...," is not taught by either Plotnick, Lafer, Roop, or N2Broadband.

However, Hoffberg teaches the use of alarm signals as follows:

"...An alarm system would be generally deactivated, although various zones may be provided with different protection; e.g., a master suite may be off-limits, with an alarm transmitting a signal to a user's beeper, rather than a call to police or alarm service company..." at col. 191, lines 11-16.

It would have been obvious to one of ordinary skill at the time of the invention to combine Hoffberg with Plotnick, Lafer, Roop, and N2Broadband to provide alarm signals in order to alert the user of initiation of an event, such as starting a dishwasher. Plotnick, Lafer, Roop, N2Broadband, and Hoffberg have related applications. They teach the use of networks, the use of video, and the use of content, Plotnick, Lafer,

Roop, and Hoffberg teach the use of computers, the use of databases, and the use of audio, and Plotnick, Roop, N2Broadband, and Hoffberg teach the use of satellites. Plotnick provides metadata, content providers, video-on-demand servers, and usage reports, Lafer provides multimedia asset data files, Roop provides multiple systems operators, N2Broadband provides catcher appliances, and Hoffberg provides alarm signals.

31. As per claim 13, the "...performing a follow-up or diagnosis...," is taught by Roop at col. 19, lines 62-67,
the "...upon receiving the alarm...," is taught by Hoffberg at col. 191, lines 11-16,
the "...indicating that the element...," is taught by Lafer at col. 1, lines 31-39,
and the "...was not properly received...," is taught by Roop at col. 12, lines 33-34 and col. 31, lines 12-14.

32. Claims 25-27, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swart et al. (U.S. Patent Application Publication No. US 2003/0028890) and Gaudin (U.S. Patent Application Publication No. US 2001/0025255).

33. Swart renders obvious independent claim 25 by the following:
"...associated with the content provided by a content provider..." at p. 15, par. 0112 and p. 7, par. 0073.
"...coordinating distribution of the metadata and the content..." at p. 14-158, par. 0109.
"...and coordinating uploading the metadata and the content to a server for delivery to an end user..." at p. 16, par. 0116, p. 14-15, par. 0109, and p. 7, par. 0073.

Swart does not teach the ingesting of content and metadata.

34. However, Gaudin teaches the ingesting of content and metadata as follows:

"...ingesting content and metadata..." at p. 2, par. 0017.

It would have been obvious to one of ordinary skill at the time of the invention to combine Gaudin with Swart to ingest content and metadata in order to allow content providers to upload digital content and associated metadata into their respective sites. Swart and Gaudin have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, the use of content providers, and the use of satellites. Swart provides metadata, content providers, distribution of content and metadata, and uploading content and metadata and Gaudin ingests content and metadata.

35. As per claim 26, the "...providing visibility into usage of the content...," is taught by Swart at p. 3, par. 0045 and p. 16, par. 0116.

36. As per claim 27, the "...registering the content...," is taught by Swart at p. 18, par. 0124

and the "...coordinating accessing the content located in one of an internal location and an external location...," is taught by Swart at p. 14-15, par. 0109, p. 15-16, par. 0113, and p. 15, par. 0110.

For claim 27, the terms "within" and "log" are used to suggest the terms "internal" and "register", respectively.

37. As per claim 31, the "...customizing an electronic program guide (EPG...," is taught by Swart at p. 5, par. 0061 and p. 6, par. 0066.

38. As per claim 32, the "...providing an interface to allow a user to view and analyze metadata...," is taught by Swart at p. 14, par. 0108, p. 4, par. 0056, and p. 8, par. 0078

and the "...and scheduling information associated with the content...," is taught by Swart at p. 16, par. 0116 and p. 17, par. 0120.

39. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swart and Gaudin as applied to claim 27 above, and further in view of Piikivi et al. (U.S. Patent Application Publication No. US 2003/0115454).

As per claim 28, the "...assigning a provider identifier to the content provider...," is taught by Swart at p. 10, par. 0092 and p. 12, par. 0098,

the "...based on the provider identifier and a provider asset identifier....," is taught by Swart at p. 12, par. 0098 and p. 2, par. 0092,

but the "...and assigning a globally unique identifier to the content...," is not taught by either Swart or Gaudin.

However, Piikivi teaches assigning a globally unique identifier to the content as follows:

"...The inventor has found that if a user or user equipment is provided with an unique identifier the origin of data content may be reliably determined is the data is modified to carry a digital identification that is indicative of said unique identifier. Based on a unique identifier code the content can then be later on tied to the user equipment and/or the user. A possible unique identifier can be provided based on the international mobile equipment identity (IMEI) code 9 of the

mobile station 1. The IMEI code is a global unique identifier that is assigned for the mobile station 1 during the manufacture thereof..." at p. 2, par. 0035-0036.

It would have been obvious to one of ordinary skill at the time of the invention to combine Piikivi with Swart and Gaudin to assigning a globally unique identifier to the content in order to provide a unique identifier associating the data content with the origin of the data content. Swart and Gaudin have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, and the use of content providers. Swart provides metadata, content providers, distribution of content and metadata, and uploading content and metadata, Gaudin ingests content and metadata, and Piikivi assigns a globally unique identifier to the content.

40. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swart and Gaudin as applied to claim 25 above, and further in view of Roop.

As per claim 29, the "...receiving business rules...," is taught by Swart at p. 16-17, par. 0117 and p. 7-8, par. 0075,

the "...and validating the metadata and the content using the business rules...," is taught by Swart at p. 6-7, par. 0069 and p. 7-8, par. 0075,

but the "...from a multiple service/systems operator (MSO)...," is not taught by either Swart or Gaudin.

However, Roop teaches using a multi service operator as follows:

"...If cable, this may be a system operated by a Multiple System Operator (MSO)..." at col. 67, lines 62-63.

It would have been obvious to one of ordinary skill at the time of the invention to combine Roop with Swart and Gaudin to use multiple systems operators in order to identify cable companies, which will receive the multimedia data and control its distribution. Swart, Gaudin, and Roop have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, the use of content, and the use of satellites. Swart provides metadata, content providers, distribution of content and metadata, and uploading content and metadata, Gaudin ingests content and metadata, and Roop provides multiple systems operators.

40. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swart, Gaudin, and Roop as applied to claim 29 above, and further in view of Chelliah et al. (U.S. Patent No. 5,710,887) and Skidmore (U.S. Patent No. 5,488,714).

A per claim 30, the "...receiving the business rules...," is taught by Swart at p. 16-17, par. 0117 and p. 7-8, par. 0075,

the "...including at least one of a rating filter...," is taught by Swart at p. 1-2, par. 0020 and p. 4, par. 0054,

the "...category rule...," is taught by Swart at p. 5, par. 0062 and p. 7-8, par. 0075,

but the "...pricing rule..."

and the "...and a platform conversion rule...," are not taught by either Swart, Gaudin, or Roop.

However, Chelliah teaches the use of pricing rules as follows:

"...The Sales Representative 114 obtains pricing information from the Incentives Subsystem 160 to get pricing rules, and then passing the selection list and the pricing rules to the Pricing Engine 120, which calculates and returns discounted prices by

matching the selection list against the pricing rules using product information from the Product Database 116..." at col. 12, lines 44-50.

It would have been obvious to one of ordinary skill at the time of the invention to combine Chelliah with Swart, Gaudin, and Roop to use pricing rules in order to calculate discounted prices for the multimedia assets. Swart, Gaudin, Roop, and Chelliah have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, and the use of content. Swart provides metadata, content providers, distribution of content and metadata, and uploading content and metadata, Gaudin ingests content and metadata, Roop provides multiple systems operators, and Chelliah provides pricing rules.

Chelliah does not teach the use of platform conversion rules.

However, Skidmore teaches the use of platform conversion rules as follows:

"...Knowledge of the 64 MByte conversion requirements exists in a group of rules which embody the facts and guidelines one would apply in converting OS/3 source code to the 64 MByte platform..." at col. 4, lines 13-16.

It would have been obvious to one of ordinary skill at the time of the invention to combine Skidmore with Swart, Gaudin, Roop, and Chelliah to use platform conversion rules in order to adapt computer programs to different archetectures. Swart provides metadata, content providers, distribution of content and metadata, and uploading content and metadata, Gaudin ingests content and metadata, Roop provides multiple systems operators, Chelliah provides pricing rules, and Skidmore provides platform conversion rules.

41. Claims 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swart and Gaudin as applied to claim 25 above, and further in view of Roop and N2Broadband.

As per claim 33, the "...interacting with an asset distribution system (ADS)...," is taught by Swart at p. 1-2, par. 0020,

the "...to facilitate delivery of the content from a content provider...," is taught by Swart at p. 1-2, par. 0020,

the "...ADS...," is taught by Swart at p. 1-2, par. 0020,

but the "...to a multiple service/systems operator (MSO)..."

and the "...including a pitcher and a catcher...," are not taught by either Swart or Gaudin.

However, Roop teaches the use of multiple service operators as follows:

"...If cable, this may be a system operated by a Multiple System Operator (MSO)..." at col. 67, lines 62-63.

It would have been obvious to one of ordinary skill at the time of the invention to combine Roop with Swart and Gaudin to use multiple systems operators in order to identify cable companies, which will receive the multimedia data and control its distribution. Swart, Gaudin, and Roop have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, the use of content, and the use of satellites. Swart provides metadata, content providers, distribution of content and metadata, and uploading content and metadata, Gaudin ingests content and metadata, and Roop provides multiple systems operators.

Roop does not teach the use of pitchers and catchers.

However, N2Broadband teaches the use of pitchers and catchers as follows:

"...The MediaPath™ Catcher receives content packages from the MediaPath™ Pitcher then notifies and delivers the packages directly to an authorized video server, removing the need for manual functions..." at Products and Services, MediPath™ Catcher.

It would have been obvious to one of ordinary skill at the time of the invention to combine N2Broadband with Swart, Gaudin, and Roop to provide pitcher and catcher appliances in order to transmit content packages and deliver these packages to authorized video servers. Swart, Gaudin, Roop, N2Broadband and have related applications. They teach the use of networks, the use of video, the use of content, and the use of satellites. Swart provides metadata, content providers, distribution of content and metadata, and uploading content and metadata, Gaudin ingests content and metadata, Roop provides multiple systems operators, and N2Broadband provides pitchers and catchers.

42. As per claim 35, the "...receiving a schedule request...," is taught by Roop at col. 57, lines 56-58, col. 10, lines 48-50, col. 57, lines 66-67, and col. 58, line 1,

the "...from a server...," is taught by Swart at p. 2-3, par. 0039,

the "...providing a customized or localized master schedule...," is taught by Roop at col. 10, lines 48-50,

the "...for a multiple service/systems operator (MSO)...," is taught by Roop at col. 67, lines 62-63.

the "...to the server...," is taught by Swart at p. 2-3, par. 0039,

the "...master schedule...," is taught by Roop at col. 10, lines 48-50,

the "...having an asset locator...," is taught by Gaudin at p. 3, par. 0039,

the "...receiving a metadata locator...," is taught by Gaudin at p. 2, par. 0017 and p. 3, par. 0039,

the "...corresponding to the content from the server...," is taught by Swart at p. 2-3, par. 0039,

the "...providing an asset locator...," is taught by Gaudin at p. 3, par. 0039,

the "...to the server...," is taught by Swart at p. 2-3, par. 0039,

the "...in response to the metadata locator...," is taught by Gaudin at p. 2, par. 0017 and p. 3, par. 0039,

the "...server retrieving an element of the content...," is taught by Swart at p. 2-3, par. 0039 and p. 9, par. 0088,

the "...from a catcher...," is taught by N2Broadband at Products and Services, MediPath™ Catcher,

the "...using the asset locator...," is taught by Gaudin at p. 3, par. 0039,

the "...and interacting with the server during transfer of the element of the content...," is taught by Swart at p. 2-3, par. 0039 and p. 9, par. 0088,

and the "...from the catcher to the server...," is taught by N2Broadband at Products and Services.

43. Claims 34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swart, Gaudin, Roop, and N2Broadband as applied to the claims above, and further in view of Hoffberg.

As per claim 34, the "...receiving information regarding when a transmission of an element of the content...," is taught by Swart at p. 12, par. 0100 and p. 9, par. 0088,

the "...is initiated from the pitcher...," is taught by N2Broadband at Products and Services,

the "...requesting retransmission of the element...," is taught by Swart at p. 12, par. 0100 and p. 9, par. 0088,

the "from the catcher...," is taught by N2Broadband at Products and Services,

the "...and tracking a request from a server to release the content received...," is taught by Swart at p. 3, par. 0045, p. 3, par. 0046, and p. 2-3, par. 0043,

the "...by the catcher...," is taught by N2Broadband at Products and Services,

the "...and tracking delivery of content...," is taught by Swart at p. 3, par. 0045 and p. 2-3, par. 0043,

the "...from the catcher...," is taught by N2Broadband at Products and Services,

the "...to the server...," is taught by Swart p. 2-3, par. 0043,

but the "...if an alarm is received...," is not taught by either Swart, Gaudin, Roop, or N2Broadband.

However, Hoffberg teaches receiving alarms as follows:

"...An alarm system would be generally deactivated, although various zones may be provided with different protection; e.g., a master suite may be off-limits, with an alarm transmitting a signal to a user's beeper, rather than a call to police or alarm service company..." at col. 191, lines 11-16.

It would have been obvious to one of ordinary skill at the time of the invention to combine Hoffberg with Swart, Gaudin, Roop, and N2Broadband to provide alarm signals in order to alert the user of initiation of an event, such as starting a dishwasher. Swart, Gaudin, Roop, N2Broadband, and Hoffberg have related applications. They

teach the use of networks, the use of video, the use of content, and the use of satellites. Swart provides metadata, content providers, distribution of content and metadata, and uploading content and metadata, Gaudin ingests content and metadata, Roop provides multiple systems operators, N2Broadband provides pitchers and catchers, and Hoffberg provides alarm signals.

44. As per claim 36, the "...providing the asset locator comprises...," is taught by Gaudin at p. 3, par. 0039,

the "...re-transmitting the asset locator...," is taught by Gaudin at p. 3, par. 0042 and p. 3, par. 0039,

the "...upon receiving an alarm...," is taught by Hoffberg at col. 191, lines 11-16,

the "...from the server...," is taught by Swart p. 2-3, par. 0043,

the "...indicating that the asset locator...," is taught by Gaudin at p. 3, par. 0039,

the "...is not received properly...," is taught by Roop at col. 12, lines 33-34 and col. 31, lines 12-14,

and the "...by the server...," is taught by Swart p. 2-3, par. 0043.

45. As per claim 37, the "...interacting with the server comprises...," is taught by Swart p. 2-3, par. 0043,

the "...performing a follow-up or diagnosis...," is taught by Roop at col. 19, lines 62-67,

the "...upon receiving an alarm...," is taught by Hoffberg at col. 191, lines 11-16,

the "...from the server...," is taught by Swart p. 2-3, par. 0043,

the "...indicating that the element...," is taught by Swart at p. 9, par. 0088,

the "...is not received properly...," is taught by Roop at col. 12, lines 33-34 and col. 31, lines 12-14,

and the "...by the server...," is taught by Swart p. 2-3, par. 0043.

46. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swart and Gaudin as applied to claim 26 above, and further in view of Roop and Plotnick.

As per claim 38, the "...providing visibility into usage of the content comprises...," is taught by Swart at p. 3, par. 0045 and p. 16, par. 0116,

the "...or a content provider...," is taught by Swart at p. 7, par. 0073,

but the "...preparing a usage report...,"

the "...providing access to the usage report...,"

and the "...to a multiple service/systems operator (MSO)...," are not taught by either Swart or Gaudin.

However, Roop teaches the use of multiple service operators as follows:

"...If cable, this may be a system operated by a Multiple System Operator (MSO)..." at col. 67, lines 62-63.

It would have been obvious to one of ordinary skill at the time of the invention to combine Roop with Swart and Gaudin to use multiple systems operators in order to identify cable companies, which will receive the multimedia data and control its distribution. Swart, Gaudin, and Roop have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, the use of content, and the use of satellites. Swart provides metadata, content

providers, distribution of content and metadata, and uploading content and metadata, Gaudin ingests content and metadata, and Roop provides multiple systems operators.

Roop does not teach the use of usage reports.

However, Plotnick teaches the use of usage reports as follows:

"...The ad availability information 1158 and the ad play reports 1160 are formatted 1162 to create reports/logs 1164 that are forwarded to the T&B system 712..." at p. 12, par. 0169.

It would have been obvious to one of ordinary skill at the time of the invention to combine Plotnick with Swart, Gaudin, and Roop to use usage reports in order to provide the sales force with feedback on how often the ads (assets) were displayed. Swart, Gaudin, Roop, and Plotnick have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, the use of content, and the use of satellites. Swart provides metadata, content providers, distribution of content and metadata, and uploading content and metadata, Gaudin ingests content and metadata, Roop provides multiple systems operators, and Plotnick provides usage reports.

47. As per claim 39, the "...creating a master reporting database including usage information...," is taught by Plotnick at p. 12, par. 0169
and the "...from across a MSO network...," is taught by Roop at col. 67, lines 62-63 and col. 73, lines 41-43.

48. As per claim 40, the "...exporting the usage report...," is taught by Plotnick at p. 12, par. 0169
and the "...to an analysis system...," is taught by Swart at p. 8, par. 0078.

49. Claims 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim et al. (U.S. Patent No. 7,047,287), Swart et al. (U.S. Patent Application Publication No. US 2003/0028890), and Gaudin (U.S. Patent Application Publication No. US 2001/0025255).

50. Sim renders obvious independent claim 41 by the following:

"...an external layer to interface to an application client..." at col. 6, lines 59-61 and col. 7, lines 1-4.

"...a component programmatic application program interface (API)..." at col. 7, lines 59-61.

"...coupled to the external layer to interface to a plurality of engines comprising..." at col. 6, lines 59-61 and col. 40, lines 21-25.

"...provided by a content provider..." at cpl. 25, lines 10-13

"...and a relational database to store the metadata..." at col. 38, lines 40-42 and col. 37, lines 63-67.

Sim does not teach coordinating distribution of the metadata and the content, coordinating uploading the metadata and the content, and ingesting a content and metadata associated with the content.

51. However, Swart teaches coordinating distribution of the metadata and the content and coordinating uploading the metadata and the content as follows:

"...coordinating distribution of the metadata and the content..." at p. 14-15, par. 0109.

"...and coordinating uploading the metadata and the content to a server for delivery to an end user..." at p. 16, par. 0116, p. 14-15, par. 0109, and p. 7, par. 0073.

It would have been obvious to one of ordinary skill at the time of the invention to combine Swart with Sim to coordinate distribution of the metadata and the content and to coordinate uploading the metadata and the content in order act as an interface to a wide area distribution system for system users. Sim and Swart have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, and the use of content providers. Sim Provides external interfaces, clients, application program interfaces, content providers, and storing metadata in a relational database and Swart coordinates distribution of the metadata and the content and coordinates uploading the metadata and the content.

Swart does not teach the ingesting of content and metadata.

"...a workflow engine to manage workflows of ingesting a content and metadata associated with the content..." at p. 2, par. 0017.

52. However Gaudin teaches the ingesting of content and metadata as follows:

It would have been obvious to one of ordinary skill at the time of the invention to combine Gaudin with Sim and Swart to ingest content and metadata in order to allow content providers to upload digital content and associated metadata into their respective sites. Sim, Swart, and Gaudin have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, and the use of content providers and Swart and Gaudin teach the use of satellites. Sim provides external interfaces, clients, application program interfaces, content providers, and storing metadata in a relational database, Swart coordinates

distribution of the metadata and the content and coordinates uploading the metadata and the content, and Gaudin ingests content and metadata.

53. As per claim 46, the "...server...," is taught by Sim at col. 6, lines 16-18, the "...distribution network coupled to the server to distribute a content provided by a content provider...," is taught by Sim at col. 6, lines 16-18 and col. 25, lines 10-13, the "...and content management system coupled to the server and the distribution network...," is taught by Sim at col. 6, lines 16-18,
the "...content management system comprising...," is taught by Sim at col. 6, lines 16-18,
the "...external layer to interface to an application client...," is taught by Sim at col. 6, lines 59-61 and col. 7, lines 1-4,
the "...component programmatic application program interface (API)...," is taught by Sim at col. 7, lines 59-61,
the "...coupled to the external layer to interface to a plurality of engines comprising...," is taught by Sim at col. 6, lines 59-61 and col. 40, lines 21-25,
the "...workflow engine to manage workflows of ingesting the content and metadata associated with the content...," is taught by Gaudin at p. 2, par. 0017,
the "...coordinating distribution of the metadata and the content...," is taught by Swart at p. 14-15, par. 0109,
the "...and coordinating uploading the metadata and the content to the server for delivery to an end user...," is taught by Swart at p. 16, par. 0116, p. 14-15, par. 0109, and p. 7, par. 0073,

and the "...and a relational database to store the metadata...," is taught by Sim at col. 38, lines 40-42 and col. 37, lines 63-67.

54. Claims 42, 43, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim, Swart, and Gaudin as applied to the claims above, and further in view of Roop.

As per claims 42 and 47, the "...a business objects engine to managing business rules associated with the content...," is taught by Swart at p. 7-8, par. 0075,

the "...business rules...," is taught by Swart at p. 7-8, par. 0075,

the "...package engine to manage packaging the content...," is taught by Swart at p. 3, par. 0044,

the "...scheduling engine to schedule deployment of the content...," is taught by Swart at p. 9, par. 0085,

the "...platform converter engine to customize an electronic program guide (EPG)...," is taught by Swart at p. 5, par. 0061 and p. 6, par. 0066,

the "...and a localization engine to localize the content....," is taught by Sim at col. 48, lines 29-38,

but the "...being provided by a multiple service/system operator (MSO)..."

and the "...designated by the MSO...," are not taught by either Sim, Swart, of Gaudin.

However, Roop teaches using a multi service operator as follows:

"...If cable, this may be a system operated by a Multiple System Operator (MSO)..." at col. 67, lines 62-63.

It would have been obvious to one of ordinary skill at the time of the invention to combine Roop with Sim, Swart, and Gaudin to use multiple systems operators in order

to identify cable companies, which will receive the multimedia data and control its distribution. Sim, Swart, Gaudin, and Roop have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, and the use of content and Swart, Gaudin, and Roop teach the use of satellites. Sim provides external interfaces, clients, application program interfaces, content providers, and storing metadata in a relational database, Swart coordinates distribution of the metadata and the content and coordinates uploading the metadata and the content, Gaudin ingests content and metadata, and Roop provides multiple systems operators.

55. As per claims 43 and 48, the "...web service API to facilitate communication with an application...," is taught by Sim at col. 27, lines 53-55, col. 7, lines 28-30, and col. 35, lines 33-37,

the "...used by one of a multiple service/system operator (MSO)...," is taught by Roop at col. 67, lines 62-63,

and the "...and the content provider...," is taught by Sim at col. 25, lines 10-13.

56. Claims 44, 45, 49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim, Swart, Gaudin, and Roop as applied to the claims above, and further in view of N2Broadband.

As per claims 44 and 49, the "...the Web service API performs operations comprising...," is taught by Sim at col. 27, lines 53-55 and col. 7, lines 28-30,

the "...registering the content...," is taught by Swart at p. 18, par. 0124,

the "..receiving a confirmation call...," is taught by Roop at col. 20, lines 66-67,

the "...regarding status of transfer of an element of the content...," is taught by Sim at col. 5, lines 13-16, col. 5, lines 55-60, and col. 23, lines 4-6,

the "...and receiving a schedule request from the server for a schedule to distribute or upload the content...," is taught by Swart at p. 10, par. 0092, p. 10, par. 0098, and p. 12, par. 0099,

but the "...from one of a pitcher and a catcher...," is not taught by either Sim, Swart, Gaudin, or Roop:

However, N2Broadband teaches the use of pitchers and catchers as follows:

"...The MediaPath™ Catcher receives content packages from the MediaPath™ Pitcher then notifies and delivers the packages directly to an authorized video server, removing the need for manual functions..." at Products and Services, MediPath™ Catcher.

It would have been obvious to one of ordinary skill at the time of the invention to combine N2Broadband with Sim, Swart, Gaudin, and Roop to provide pitcher and catcher appliances in order to transmit content packages and deliver these packages to authorized video servers. Sim, Swart, Gaudin, Roop, N2Broadband and have related applications. They teach the use of networks, the use of video, and the use of content and Swart, Gaudin, Roop, and N2Broadband teach the use of satellites. Sim provides external interfaces, clients, application program interfaces, content providers, and storing metadata in a relational database, Swart coordinates distribution of the metadata and the content and coordinates uploading the metadata and the content, Gaudin ingests content and metadata, Roop provides multiple systems operators, and N2Broadband provides pitchers and catchers.

57. As per claims 45 and 50, the "...web service API further performs operations comprising...," is taught by Sim at col. 27, lines 53-55 and col. 7, lines 28-30, the "...receiving a metadata request from the server for localized package metadata...," is taught by Swart at p. 10, par. 0092, p. 13, p. 0105, and p. 3, par. 0044, the "...receiving a reporting call from the server...," is taught by Swart at p. 10, par. 0092, and the "...to deliver usage report..." is taught by Sim at col. 33, lines 57-59.

58. Claims 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim, Swart, and Gaudin as applied to claim 46 above, and further in view of Roop and N2Broadband.

As per claim 51, the "...used by the content provider...," is taught by Sim at col. 25, lines 10-13, the "...to transmit the content and the metadata...," is taught by Swart at p. 25, par. 0092 and p. 13, par. 0105, the "...via a distribution channel...," is taught by Swart at p. 10, par. 0092, the "...to receive transmission...," is taught by swart at p. 10, par. 0092, the "...via a downlink channel...," is taught by Swart at p. 14, par. 0108 and p. 10, par. 0092, but the "...pitcher...," the "...to a multiple service/systems operator (MSO)...," the "...catcher...," the "...used by the MSO...,"

and the "...from the pitcher...," are not taught by either Sim, Swart, and Gaudin.

However, Roop teaches using a multi service operator as follows:

"...If cable, this may be a system operated by a Multiple System Operator (MSO)..." at col. 67, lines 62-63.

It would have been obvious to one of ordinary skill at the time of the invention to combine Roop with Sim, Swart, and Gaudin to use multiple systems operators in order to identify cable companies, which will receive the multimedia data and control its distribution. Sim, Swart, Gaudin, and Roop have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, and the use of content and Swart, Gaudin, and Roop teach the use of satellites. Sim provides external interfaces, clients, application program interfaces, content providers, and storing metadata in a relational database, Swart coordinates distribution of the metadata and the content and coordinates uploading the metadata and the content, Gaudin ingests content and metadata, and Roop provides multiple systems operators.

Roop does not teach the use of pitchers and catchers.

However, N2Broadband teaches the use of pitchers and catchers as follows:

"...The MediaPath™ Catcher receives content packages from the MediaPath™ Pitcher then notifies and delivers the packages directly to an authorized video server, removing the need for manual functions..." at Products and Services, MediPath™ Catcher.

It would have been obvious to one of ordinary skill at the time of the invention to combine N2Broadband with Sim, Swart, Gaudin, and Roop to provide pitcher and catcher appliances in order to transmit content packages and deliver these packages to

authorized video servers. Sim, Swart, Gaudin, Roop, N2Broadband and have related applications. They teach the use of networks, the use of video, and the use of content and Swart, Gaudin, Roop, and N2Broadband teach the use of satellites. Sim provides external interfaces, clients, application program interfaces, content providers, and storing metadata in a relational database, Swart coordinates distribution of the metadata and the content and coordinates uploading the metadata and the content, Gaudin ingests content and metadata, Roop provides multiple systems operators, and N2Broadband provides pitchers and catchers.

59. As per claim 52, the "...distribution channel comprises a satellite uplink facility...," is taught by Swart at p. 10, par. 0092, p. 15, par. 0111, and p. 16, par. 0116 and the "...and the downlink channel comprises a satellite downlink facility...," is taught by Swart at p. 14, par. 0108, p. 10, par. 0092, and p. 15, par. 111.

60. As per claim 53, the "...one of the pitcher and the catcher...," is taught by N2Broadband at Products and Services, MediPath™ Catcher
and the "...communicates with the content management system via a network connection...," is taught by Sim at col. 45, lines 37-43 and col. 43, lines 26-30.

61. As per claim 54, the "...catcher...," is taught by N2Broadband at Products and Services, MediPath™ Catcher
and the "...receives the content locally using one of a physical medium, a local network, and a terrestrial-based network...," is taught by Swart at p. 16-17, par. 0117, p. 1, par. 0016, and p. 3, par. 0044.

62. Claims 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sim, Swart, and Gaudin as applied to claim 46 above, and further in Hoffberg.

As per claim 55, the "...content...," is taught by Swart at p. 10, par. 0092, the "...broadband content, and a network content...," is taught by Swart at p. 10, par. 0092,

but the "...is one of a video-on-demand (VOD) content..."

and the "...asset data file...," is not taught by either Sim, Swart, or Gaudin.

However, Hoffberg teaches the use of asset files and video-on-demand as follows:

"...Utilization of the E-Metro Community and Personal Information Agents assure an effective and comprehensive agent-rule based command and control of informational assets in a networked computer environment..." at col. 66, lines 14-17.

"...For example, video-on-demand, pay-per view accounting, digital rights management and enforcement, and the like..." at col. 220, lines 36-38.

It would have been obvious to one of ordinary skill at the time of the invention to combine Hoffberg with Sim, Swart, and Gaudin to use asset files in order to provide rights-based access to database records. Likewise, it would have been obvious to one of ordinary skill at the time of the invention to combine Hoffberg with Sim, Swart, and Gaudin to use video-on-demand in order to provide a means for customers to view and pay for use of the asset files. Sim, Swart, Gaudin, and Hoffberg have related applications. They teach the use of computers, the use of networks, the use of multimedia, the use of audio, the use of video, and the use of content and Swart, Gaudin, and Roop teach the use of satellites. Sim provides external interfaces, clients,

application program interfaces, content providers, and storing metadata in a relational database, Swart coordinates distribution of the metadata and the content and coordinates uploading the metadata and the content, Gaudin ingests content and metadata, and Hoffberg provides digital assets and video-on-demand.

Response to Arguments

63. Applicant's arguments filed 27 April 2006 have been fully considered but they are not persuasive. In the first argument for independent claim 1 on page 16 and page 17, paragraph 1 the Applicant states:

"Regarding independent claim 1, the Examiner contends that Hoffberg, teaches:

a) "... receiving metadata ...", citing Hoffberg, col. 133, lines 1-13 and col. 131, lines 65-67. Applicants respectfully disagree for the following reasons.

For ease of reference, the excerpts are copied below.

"According to another aspect of the invention, it is an object to provide an image information retrieval apparatus, comprising a memory for storing compressed data representing a plurality of images; a data storage system for retrieving compressed data representing at least one of the plurality of images and having an output; a memory for storing characterization data representing a plurality of image types, having an output; and an image processor, receiving as inputs the outputs from the data storage system and the characterization data memory, and producing a signal corresponding to a relation between at least one of the plurality of images of the compressed data and at least one of the image types of the characterization data." (Hoffberg, col. 133, lines 1-13)

"The metadata and data relating to the use or consumption of the content is then used to determine or update the user profile. It is noted that the content may be of any type, and therefore need no be video or multimedia" (Hoffberg, col. 131, lines 65-67; col. 132 line 1)

As seen from the above excerpt, Hoffberg, col. 133, lines 1-13, merely discloses storing compressed image data, retrieving the compressed image data, and producing a signal corresponding to a relation between the images and the image types. None of these corresponds to receiving metadata. Compressed image data are data representing images that are compressed or reduced. They usually contain less information on the

images. At best, for a lossless compression, they contain the same information on the images that they represent. Therefore, they cannot represent contextual information about the images, or additional information that describes the images. In contrast, metadata represent contextual or additional information related to a content such as title, release date, plat summary, cast, crew, rating, length, price per view, and scheduling information, etc. (See, for example, Specification, paragraph [0010]. In addition, Hoffberg, col. 131, lines 65-67; col. 132 line 1, merely discloses using the metadata and data relating to the use or consumption of the content to determine or update the user profile, not receiving the metadata used in upload coordination, scheduling, or tracking. Receiving metadata is an act of taking or acquiring the metadata that is transmitted, while using the metadata simply means employing the metadata that is part of the content."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. Plotnick teaches "receiving metadata" at p. 10-11, par. 0155.

64. In the second argument for independent claim 1 on page 17, paragraphs 2-4 the Applicant states:

"b) "... from a content provider ...", citing Hoffberg, col. 120, lines 7-9. Applicants respectfully disagree for the following reasons.

For ease of reference, the excerpt is copied below.

"Thus, broadcasters and content providers may encode broadcasts in such a way as to control the operation of the consumer device." (Hoffberg, col. 120, lines 7-9).

Hoffberg, therefore, merely discloses content providers encoding broadcasts to control the consumer device, not content providers providing the multimedia asset data files and metadata. Encoding broadcasts involves using encryption for copy protection. The encryption encodes the information using a key. It modifies the information such as the information may be recovered later. Therefore, it does not provide any contextual or additional information to the content. In contrast, metadata represent contextual or additional information related to a content, as discussed above."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer

references have replaced the Hoffberg and Sequeira references. Plotnick teaches "provided by at least one of a content provider" at p. 6, par. 0115.

65. In the third argument for independent claim 1 on page 17, paragraphs 5 and 6 and page 18, paragraph 1 the Applicant states:

"c) "... and associated metadata to a VOD server ...", citing Hoffberg, col. 131, lines 1-3 and col. 220, lines 36-68 and lines 52-54.

For ease of reference, relevant portions of the excerpts are copied below.

"The set top box may also integrate functions desired by the content provider or network operator, e.g., the multiple service operator (MSO). For example, video-on-demand, pay-per view accounting, digital rights management and enforcement, and the like." (Hoffberg, col. 220, lines 34-38.)

"Preferably, each set top box is separately addressable, and is in regular, though not necessarily continuous communication with a remote digital tights management server." (Hoffberg, col. 220, lines 52-54.)

Hoffberg merely discloses a set top box that may integrate functions desired by a content provider or an MSO Hoffberg, col. 220, lines 34-36). A set top box can only receive broadband streams Hoffberg, col. 219, lines 54-56). It is incapable of uploading or coordinating uploading the metadata or the content to a VOD server. In addition, since it receives broadband streams at times scheduled by an MSO, it cannot schedule or track uploading the content. Accordingly, Hoffberg does not disclose or suggest uploading or coordinating uploading metadata and multimedia asset data file to a server"

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. Plotnick teaches "and associated metadata to a VOD server" at p. 10-11, par. 0155 and p. 6, par. 0115.

66. In the fourth argument for independent claim 1 on page 18, paragraphs 2-4 the Applicant states:

"d) "... and providing usage reports relating to usage...", citing Hoffberg, col. 164, lines

7-12 and col. 129, lines 4-7 (Office Action, page 3, paragraph number 4). Applicants respectfully disagree for the following reasons.

For ease of reference, the excerpts are copied below.

"In the case of a single user or group of users, the interface could maintain a history of feature usage for each user, as in the past user history block 2107, and provide a lower user interface level for those features which are rarely used, and therefore less familiar to the user, through the current user level output 2101." (Hoffberg, col. 164, lines 7-12)

"This would allow geographically appropriate selection of commercial information, and possibly overlay information as well, e.g., traffic reports." (Hoffberg, col. 129, lines 4-7)

As seen from the above, Hoffberg, col. 164, lines 7-12, merely states that the interface could maintain a history of feature usage for each user, and provide a lower user interface level for those features which are rarely used. A history of feature usage includes past uses of certain feature, e.g., requesting "help", at a user interface level (Hoffberg, col. 163, lines 58-60), not usage of the multimedia asset data files. A user interface level relates manipulation of input devices, such as program key entry, trackball, joystick, etc. (Hoffberg, col. 161, lines 47-57). In contrast, usage of asset data files relates to how the end user uses the content, such as viewing characteristics, end user viewing habits (See, for example, Specification, paragraphs [0035], [0036]). The two types of usage are therefore totally unrelated. In addition, Hoffberg col. 129, lines 4-7, merely discloses traffic reports, not usage reports. Traffic reports report the traffic on highway system, either an information highway or a real world highway (Hoffberg, col. 129, lines 1-4). In contrast, usage reports report the usage of the asset data files."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. Plotnick teaches "and providing usage reports relating to usage" at p. 12, par. 0169.

67. In the fifth argument for independent claim 1 on page 18, paragraphs 5 and 6 and page 19, paragraphs 1 and 2 the Applicant states:

"e) "... by end users...", citing Hoffberg, col. 45, lines 38-40 (Office Action, page 3, paragraph number 4). Applicants respectfully disagree for the following reasons.

For ease of reference, the excerpt is copied below.

"The end user initially enters the requested data and the non-identifying information is transferred to the metering server." (Hoffberg, col. 45, lines 38-40.)

As seen from the above, Hoffberg, col. 164, lines 7-12, merely states that the end user entering requested data and the non-identifying information, not usage of the multimedia asset data files by end users of the MSO. The end user uses a graphical user interface (GUI) to participate in a survey (Hoffberg, col. 45, lines 20-22), which is not related to usage of content. As discussed above, the content usage is related to end user's viewing habits or characteristics. See, for example, Specification, paragraph [0035]."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. Plotnick teaches "by end users" at p. 10, par. 0150.

68. In the sixth argument for independent claim 1 on page 19, paragraph 3 the Applicant states:

"Since Hoffberg does not disclose or suggest any of the above elements, the combination of Hoffberg with any reference is improper. The Examiner conceded that Hoffberg does not teach the use of multimedia asset data files and multiple service operators (Office Action, page 3, paragraph number 4). The Examiner, however, contends that Hoffberg can be combined with Segueira and Roop because Sequeira teaches the use of multimedia asset data files and Roop teaches multiple service operators (MSOs) (Office Action, page 3, paragraph number 5; page 4, paragraph number 6)."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. The responses to the first five arguments have shown that Plotnick teaches all of the elements discussed in these arguments. They may be combined with Lafer and Roop because it would have been obvious to one of ordinary skill at the time of the invention to combine Lafer with

Plotnick to use multimedia asset data files in order to provide a means for the controlling, identifying, and coordinating of multimedia data and it would have been obvious to one of ordinary skill at the time of the invention to combine Roop with Plotnick and Lafer to use multiple systems operators in order to provide cable companies for the controlling and distribution of multimedia data.

69. In the seventh argument for independent claim 1 on page 19, paragraphs 4-6 and page 20, paragraph 1 the Applicant states:

"The Examiner contends that Sequeira teaches:

a) "... associated with a multimedia asset data file...", citing Sequeira, col. 1, lines 6-9; col. 14, lines 51-53 (Office Action, page 3, paragraph number 5). Applicants respectfully disagree for the following reasons.

For ease of reference, the cited excerpts are copied below.

"This invention relates to a system and method for controlling, identifying and coordinating multimedia assets for a broadcast program and for increasing the tolerance of broadcast systems to the failure of the scheduler." Sequeira, col. 1, lines 6-9.)

"When selected, the full name of the primary event is shown, in this example, the web site URL is identified in the data from the data file "stocks.sdf."" (Sequeira, col.14, lines 51-53.)

As seen from the above excerpts, Sequeira merely discloses the general field of the invention which relates to a system and method for controlling, identifying, and coordinating multimedia assets for a broadcast program (Sequeira, col. 1, lines 6-9). This general field does not specifically disclose receiving metadata associated with multimedia asset data files. Furthermore, all of the operations in this general field is not related to coordinating uploading the content. Controlling refers to control of different devices and media servers by using multiple device independent abstraction layers (Sequeira, col. 2, lines 66-67; col. 3, line 1). Identifying here refers to identifying events that are related to a program (Sequeira, col. 17, lines 57-58). Coordinating here may refer to distribute, administrate and monitor task and media server availability (Sequeira, col. 4, lines 16-20). None of these operations is related to receiving metadata or coordinating uploading the content. The excerpt at co1.14, lines 51-53 is totally unrelated to multimedia asset data files, the uploading, or coordinating uploading, scheduling, or tracking uploading the data files. The identification of a Web site URL has

nothing to do with multimedia asset data files. A Website URL is merely a locator."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. Lafer teaches "associated with a multimedia asset data file" at col. 2, lines 7-11.

70. In the eighth argument for independent claim 1 on page 20, paragraphs 2-4 and page 21, paragraph 1 the Applicant states:

"b) "...uploading the multimedia asset data file..."."...wherein uploading the multimedia asset data file comprises...", and "...of multimedia asset data files...", citing Segueira, col. 13, lines 49-51; col. 1, lines 3-9; col. 14, lines 51-53 (Office Action, page 4, paragraph number 5).. Applicants respectfully disagree for the following reasons.

For ease of reference, the above excerpt at col. 13, lines 49-51 is copied below. The excerpts at col. 1, lines 3-9; col. 14, lines 51-53, are shown above.

"The status ttLOADED from the video media server indicates that the task is loaded, queued and awaiting executing." Sequeira, col. 13, lines 49-51.)

As seen from the above excerpt, Sequeira merely discloses that a status ttLOADED indicates that a task is loaded, queued, and awaiting executing (Sequeira, col. 13, lines 49-51). Loading a task simply means transferring the task to a queue waiting to be executed. The queue and the loader are local to a device (Sequeira, col. 9, lines 19-22; Figure 4A). In contrast, uploading multimedia data files involves transmitting the files from one device to a VOD server. It is an operation external to the device. Furthermore, tasks are commands which instruct a media server to perform an action such as initialize or play Sequeira, col. 5, lines 48-49). Since a task is a command to perform an action, it is not a multimedia asset data file. In addition, since Sequeira explicitly discloses loading a task, Sequeira does not suggest uploading multimedia asset data files to a server. Moreover, since Sequeira does not disclose or suggest uploading multimedia asset data files to a VOD server, Sequeira does not disclose or suggest coordinating uploading as recited in amended claims 1 and 20."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. Lafer teaches

"coordinating uploading the multimedia asset data file" at col. 5, lines 41-43, col. 9, lines 65-67, and col. 2, lines 7-11.

71. In the ninth argument for independent claim 1 on page 21, paragraphs 2-4 the Applicant states:

"c) "...scheduling the uploading of the multimedia asset data file...", citing Sequeira, col. 2, lines 59-65; col. 13, lines 49-51; col. 1, lines 3-9; col. 14, lines 51-53 (Office Action, page 4, paragraph number 5).. Applicants respectfully disagree for the following reasons.

For ease of reference, the excerpt at col. 2, lines 59-65 is copied below. The other excerpts are already copied and discussed above.

"In yet another aspect of the present invention, the Master Scheduler is adapted to schedule events where the viewing of an asset, such as graphics, animation, audio, text, video, or any other such digital media, constitutes the event and changes to a primary event causes all supporting events to be updated, as necessary." (Sequeira, col. 2, lines 59-65.)"

In the above excerpt, Sequeira merely discloses a master schedule that schedules the event of viewing the content (Sequeira, col. 2, lines 59-65), not coordinating uploading or scheduling uploading the content. Scheduling uploading a content involves selecting distribution dates, selecting the appropriate set of content deployments, assigning marketing information, etc. See, for example, Specification, paragraph [0046]. Furthermore, scheduling an event only involves setting the times to show the event to the viewer, not interacting with other system components. In contrast, coordinating uploading involves interactions with other components participating in the upload. See, for example, Specification, paragraph [0046]."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. Lafer teaches "scheduling the uploading of the multimedia asset data file" at col. 7, lines 53-56, col. 9, lines 65-67, and col. 2, lines 7-11.

72. In the tenth argument for independent claim 1 on page 21, paragraphs 5 and 6 and page 22, paragraph 1 the Applicant states:

"d) "...and tracking the uploading of the multimedia asset data file...", citing (Sequeira, col. 9, lines 18-20; col. 13, lines 49-51; col. 1, lines 3-9; col. 14, lines 51-53 (Office Action, page 4, paragraph number 5).. Applicants respectfully disagree for the following reasons.

For ease of reference, the excerpt at col. 9, lines 18-20 is copied below. The other excerpts are already copied and discussed above.

"Threads are use[d] by different parts of the system to perform various computations, functions and tracking. For instance, once a schedule is created, Task Distributor 410 transforms the schedule into a series of tasks and assigns the task to a thread and places the thread in Thread Pool and Queue 430." (Sequeira, col. 9, lines 18-20.) Docket No: 007593.P002 Page 21 of 26 TVN/tn

In the above excerpt, Sequeira merely discloses threads are used to track. Tracking here refers to tracking status or tasks (Sequeira, col. 3, lines 10-12; col. 9, lines 60-62). As discussed above, tasks are commands which instruct a media server to perform an action such as initialize or play Sequeira, col. 5, lines 48-49), not to upload a content to a server. Furthermore, these tasks are placed in a thread pool and queue, which is local to a device. In contrast, uploading a content to a server is an operation external to a device."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. Lafer teaches "and tracking the uploading of the multimedia asset data file" at col. 6, lines 42-43, col. 9, lines 65-67, and col. 2, lines 7-11.

73. In the eleventh argument for independent claim 1 on page 22, paragraphs 2 and 3 the Applicant states:

"The Examiner further contends that Roop teaches the use of multiple service operator (MSO), citing Roop, col. 67, lines 62-63, and col. 71, lines 29-30 (Office Action, page 4, paragraph number 6).. Applicants respectfully disagree. For ease of reference, the above excerpts are copied below.

"If cable, this may be a system operated by a Multiple System Operator (MSO). If so, give the name commonly used in the community to identify this cable system. If satellite, give the usual letter/number combination used to refer to this satellite, such as G3 for Galaxy 3." (Roop, col. 67, lines 62-67.)

"The data are sorted as described above; that is the currently-effective information for source A is given first (sorted in ascending order by tuned channel number)...." (Roop, col. 71, lines 29-31.)

As seen from the above excerpts, Roop merely discloses a television program schedule having an RG record that contains a field identifying an MSO (Roop, col. 67, lines 60-67; col.68, lines 1-5). Having a record that contains an MSO name does not coordinate uploading, schedule uploading, or track uploading. A name in a record is a static entity, not an action. The excerpt at col. 71, lines 29-31 is only about sorting the data, not related to an MSO.)

The Examiner disagrees. In response to applicant's argument that "having a record that contains an MSO name does not coordinate uploading, schedule uploading, or track uploading" the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

74. In the twelfth argument for independent claim 20 on page 22, paragraph 4 the Applicant states:

"Regarding independent claim 20, the Examiner contends that Sequeira teaches receiving a plurality of multimedia asset data files, citing Sequeira, col. 21, lines 10-12; col. 1, lines 3-9,and col. 14, lines 51-53 (Office Action, page 5, paragraph number 7). The Examiner further contends that Sequeira teaches uploading the multimedia asset data files, citing Sequeira, col. 13, lines 49-51; col. 1, lines 3-9, and col. 14, lines 51-53 (Office Action, page 6, lines 2-3). Applicants respectfully disagree for the following reasons discussed above."

The Examiner disagrees. Applicant's arguments with respect to claim 20 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. Lafer teaches "receiving a plurality of multimedia asset data files" at col. 3, lines 11-13 and col. 2, lines 7-11 and "coordinating uploading the multimedia asset data files" is taught by Lafer at col. 5, lines 41-43, col. 9, lines 65-67, and col. 2, lines 7-11.

75. In the thirteenth argument for independent claim 1 on page 23, paragraph 2 the Applicant states:

"The Examiner failed to establish a prima facie case of obviousness and motivation to combine the references. When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: (A) The claimed invention must be considered as a whole; (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) Reasonable expectation of success is the standard with which obviousness is determined. Hodosh v. Block Drug Col, Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986). Here, the Examiner did not consider the claimed invention as a whole. The claimed invention is about a content management system that interacts with several components of a content delivery and distribution network to manage and coordinate the operations or activities. The operations of receiving metadata and the multimedia asset data files, coordinating uploading the metadata and the asset data files, and providing usage reports altogether constitute the content management system. None of the cited prior art references discloses or suggests these operations."

The Examiner disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

76. In the fourteenth argument for independent claim 1 on page 23, paragraphs 3 and 4 the Applicant states:

"In addition, the Examiner considered the prior art references individually and cited the excerpts without examining their context. Some of the excerpts are not even relevant to the claimed invention. See, for example, Hoffberg, col. 133, lines 1-13; col. 164, lines 7-12; col. 129, lines 4-7; Sequeira, co1.14, lines 51-53; and Roop, col. 71, lines 29-31.

One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. In re Fine, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). By citing the excerpts from Hoffberg, Sequeira and Roop in isolation, the Examiner is attempting to use hindsight reconstruction to attack the claimed invention. This practice has been repeatedly prohibited by the Federal Circuit."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

77. In the fifteenth argument for independent claim 1 on page 24 and page 25 paragraph 1 the Applicant states:

Furthermore, the Examiner did not provide an analysis of the references regarding whether the references suggest the desirability of making the combination. "When determining the patentability of a claimed invention which combined two known elements, the question is whether there is something in the prior art as a whole suggest the desirability, and thus the obviousness, of making the combination.'" In re Beattie, Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452,

1462, 221 USPQ (BNA) 481, 488 (Fed. Cir. 1984). To defeat patentability based on obviousness, the suggestion to make the new product having the claimed characteristics must come from the prior art, not from the hindsight knowledge of the invention. Interconnect PlanningLCorp. v. Feil, 744 F.2d 1132, 1143, 227 USPQ (BNA) 543, 551 (Fed. Cir. 1985). To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the Examiner to show a motivation to combine the references that create the case of obviousness. In other words, the Examiner must show reasons that a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the prior elements from the cited prior references for combination in the manner claimed. In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1996), 47 USPQ 2d (BNA) 1453. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or implicitly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973. (Bd.Pat.App.&Inter. 1985). Here, the Examiner merely provides excerpts from the prior art references in isolation. The examiner did not analyze the references to identify the suggestion or the motivation to combine the references. To do so, the Examiner must provide a convincing line of reasoning, not just a list of isolated excerpts from the prior art references and a mere conclusion that the references can be combined (Office Action, page 4, lines 10-17; page 5, lines 3-11).

Even if the references can be combined, the Examiner must still identify the suggestion or motivation to combine in the prior art references, not from the Examiner's own suggestion. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Furthermore, although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." In re Mills 916 F.2d at 682, 16 USPQ2d at 1432; In re Fitch, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992). Here, the Examiner did not provide any suggestion or motivation in any one of Hoffberg, Sequeira and Roop to combine the references."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Plotnick and Lafer references have replaced the Hoffberg and Sequeira references. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness

is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). It would have been obvious to one of ordinary skill at the time of the invention to combine Lafer with Plotnick to use multimedia asset data files in order to provide a means for managing and producing multimedia assets which provides automated cataloging of multimedia assets through implicit file identification, duplicate file checking and file associations. Likewise, it would have been obvious to one of ordinary skill at the time of the invention to combine Roop with Plotnick and Lafer to use multiple systems operators in order to identify cable companies, which will receive the multimedia data and control its distribution.

Conclusion

78. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

79. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (571)-272-4110. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harold E. Dodds, Jr.
Patent Examiner
July 3, 2006

GRETA ROBINSON
PRIMARY EXAMINER